HOUSE JOURNAL

SIXTEENTH DAY

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MORNING SESSION

The House was called to order by Speaker Curtis at 10:10 a.m.

Roll call showed all members present except Representative Holdaway, excused.

Pledge of Allegiance by Representative Roz McGee.

Prayer by a guest of Representative Roz McGee, Reverend Catherine Putnam, Wasatch Presbyterian Church, Salt Lake City.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

January 31, 2005

The Senate passed **S.B. 4**, UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE AMENDMENTS, by Senator D. Eastman, and it is transmitted for consideration; and

The Senate passed, as amended, **1st Sub. S.B. 122**, RESIDENT TUITION STATUS FOR JOB CORPS STUDENTS, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed **S.C.R. 4**, RESOLUTION APPROVING UTAH RECREATIONAL LAND EXCHANGE, by Senator B. Evans, and it is transmitted for consideration.

Annette B. Moore Secretary of the Senate

Communications filed. **S.B. 4, Sub. S.B. 122**, and **S.C.R. 4**, read the first time by short title and referred to the Rules Committee.

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Mr. Speaker:

January 31, 2005

The Senate passed, **H.B. 240**, DISASTER LOAN PROGRAM, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore Secretary of the Senate

Communication filed. **H.B. 240** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

REPORTS OF STANDING COMMITTEES

Mr. Speaker:

January 31, 2005

The Transportation Committee reports a favorable recommendation on **H.B. 91**, LICENSE PLATE FOR DISABLED AMERICAN VETERANS, by Representative R. Bigelow; and

The Transportation Committee reports a favorable recommendation on **H.B. 93**, EMISSION INSPECTION AMENDMENTS, by Representative K. Gibson.

Joseph G. Murray, Chair

Reports filed. On motion of Representative Murray, the reports of the Transportation committee were adopted.

H.B. 91 and **H.B. 93**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

January 31, 2005

The Judiciary Committee reports a favorable recommendation on **S.B. 21**, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS, by Senator D. Eastman; and

The Judiciary Committee reports a favorable recommendation on **H.B. 4**, DIVORCE MEDIATION PROGRAM, by Representative B. Ferry, with the following amendments:

- 1. Page 1, Line 27 through Page 2, Line 34:
 - 27 (2) If, after the filing of an answer to a complaint of divorce, there are any remaining
 - 28 <u>contested issues, the parties shall participate in good faith in at least one session of mediation.</u> <u>This requirement does not preclude the entry of pre-trial orders before mediation takes place.</u>
 - * * * Some lines not shown * * *
 - 33 (5) The director of dispute resolution programs for the courts the court. or the mediator may
 - 34 excuse either party from the requirement to mediate for good cause.

James A. Ferrin, Chair

Reports filed. On motion of Representative Ferrin, the reports of the Judiciary committee were adopted.

S.B. 21 and **H.B. 4**, as amended, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

January 31, 2005

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 89**, PRESUMPTION OF RESPONSIBILITY FOR ABUSE OR NEGLECT, by Representative L. Christensen; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 208**, UNCLAIMED PROPERTY AMENDMENTS, by Representative P. Ray, with the following amendments:

- 1. Page 5, Lines 129 through 142:
 - 129 (2) If the [custodial] property is not claimed by the owner [before the expiration of
 - 130 three months from the receipt of notice] following the notice or attempted notice required in
 - 131 <u>Section 77–24–2</u>, or if the owner is unknown and no claim of ownership has been made, the
 - 132 agency having possession of the [eustodial] property may [either]:
 - 133 (a) $\{-\frac{1}{1}\}$ appropriate $\{-\frac{1}{1}\}$ $\{-\frac{\text{retain}}{1}\}$ the property $\{-\frac{1}{1}\}$ to public interest use as provided in Subsection

134 (3); [or]

136 proceeds of the sale [to its own] $\{-for\}$ to public interest use[-]; or

- (c) destroy the property if unfit for sale.

139 the agency having possession of the property shall obtain from the legislative body of its

140 jurisdiction:

- 141 (a) permission to $\{-\{-\}\}$ appropriate $\{-\}$ $\{-\}$ the property to public interest use; and
- (b) the designation and approval of the public interest use of the property.; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 215**, PROPERTY TRACKING AMENDMENTS, by Representative P. Ray.

DeMar "Bud" Bowman, Chair

Reports filed. On motion of Representative Bowman, the reports of the Law Enforcement and Criminal Justice committee were adopted.

H.B. 89, H.B. 208, as amended, and **H.B. 215**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

January 31, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 150**, WATER RIGHTS FEES, by Representative J. Gowans; and

The Natural Resources, Agriculture, and Environment Committee recommends **H.B.** 155, AGRICULTURAL COOP AMENDMENTS, by Representative C. Buttars, be replaced and favorably recommends 1st Sub. **H.B.** 155, AGRICULTURAL COOP AMENDMENTS; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 156**, DAIRY PROMOTION ACT AMENDMENTS, by Representative D. Ure; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 224**, PERMANENT COMMUNITY IMPACT FUND – BOARD MEMBERSHIP, by Representative J. Mathis, with the following amendments:

1. Page 2, Lines 50 through 55:

- 50 (2) (a) The members specified under Subsections $(1)[\frac{h}{(f)}]$ through $(1)[\frac{k}{(f)}]$ may not reside in the same county and shall
- 51 be:
- 52 (i) nominated by the Board of Directors of the Southeastern Association of
- 53 Governments, Central Utah Association of Governments, Uintah Basin Association of
- 54 Governments, and Southwestern Association of Governments, respectively, except that a member under Subsection (1)(j) shall be nominated by the Board of Directors of the Association of Governments from the region of the state in which the county is located; and
- 55 (ii) appointed by the governor with the consent of the Senate.; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.C.R.** 10, CONCURRENT RESOLUTION HONORING WALDO WILCOX FOR PRESERVATION OF RANGE CREEK AREA, by Representative B. King, with the following amendments:

1. Page 1, Line 27 through Page 2, Line 29:

- 27 WHEREAS, with key funding appropriated by the United States Congress {-,--} and the Utah
- 28 Quality Growth Commission, and <u>extensive lobbying for the</u> <u>purchase by the</u> Sportsmen for Fish and Wildlife, the ranch was subsequently
- 29 acquired by the state of Utah;

- 2. Page 2, Lines 36 through 37:
 - WHEREAS, much of Range Creek is believed to have been inhabited a thousand years
 - ago by pre-Columbian cultures, including the Fremont and the {-Anasazi-} Archaic;

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

H.B. 150, Sub. H.B. 155, H.B. 156, H.B. 224, as amended, and **H.C.R. 10**, as amended, read the second time by short title and placed on the calendar for third reading.

THIRD READING CALENDAR

H.B. 201, LIFE INSURANCE AND ANNUITIES LAW AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Dunnigan proposed the following amendment:

- 1. Page 1, Lines 11 through 15 House Committee Amendments 1–24–2005
 - 11 This bill:
 - <u>addresses provisions of the standard nonforfeiture law for individual deferred annuities.</u>
 - 12 Ĥ→ [► defines a two_tier annuity;
 - 13 ▶ exempts two tier annuities from certain cash surrender value requirements;] ←Ĥ
 - makes permissive a requirement that the commissioner make rules to establish
 - 15 standards for materials used in the solicitation or sale of life insurance;

Representative Dunnigan's motion to amend passed on a voice vote.

H.B. 201, as amended, then passed on the following roll call:

Yeas, 70; Nays, 0; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

Absent or not voting were: Representatives

S. Allen Holdaway Lockhart Tilton

Ure

H.B. 201, as amended, transmitted to the Senate for its consideration.

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H.B. 189, APPLIED TECHNOLOGY PROGRAM AMENDMENTS, read the third time by short title and placed on its final passage.

H.B. 189 then failed to pass on the following roll call:

Yeas, 26; Nays, 45; Absent or not voting, 4.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	Bigelow
Christensen	S. Clark	D. Cox	Daw
Dayton	Donnelson	Dougall	Fowlke
Frank	Hardy	Harper	Hughes
E. Hutchings	Lockhart	Mathis	Newbold
Oda	Painter	Tilton	Walker
Wallace	Curtis		

Voting in the negative were: Representatives

S. Allen Becker Barrus Biskupski Bourdeaux Bowman Buttars Buxton D. Clark Duckworth Cosgrove Dee Ferrin Fisher Gibson Ferry Goodfellow Gowans Hansen Hendrickson Hunsaker B. Johnson Hogue Jones Kiser King Last Lawrence Litvack Mascaro McGee Menlove Morgan Moss Murray Noel G. Snow Ray Romero Shurtliff Wheeler Ure Wheatley Wiley Wyatt

Absent or not voting were: Representatives

Dunnigan Holdaway Morley Urquhart

H.B. 189 was filed.

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H.C.R. 1, RESOLUTION PROMOTING MODERATELY SIZED SCHOOLS, read the third time by short title and placed on its final passage.

H.C.R. 1 then passed on the following roll call:

Yeas, 66; Nays, 4; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard Adams S. Allen Barrus Becker Bigelow Biskupski Bowman D. Clark S. Clark **Buttars** Buxton Cosgrove D. Cox Daw Dayton Dee Donnelson Dougall Duckworth Ferry Fisher Dunnigan Ferrin Fowlke Goodfellow Frank Gibson Hansen Hardy Harper Hogue Hughes Hunsaker B. Johnson Jones King Kiser Last Lawrence Litvack McGee Mascaro Mathis Menlove Moss Morgan Morley Newbold Noel Oda Murray Painter Shurtliff Ray Romero

G. Snow	Tilton	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley

Wyatt Curtis

Voting in the negative were: Representatives

Christensen Gowans Hendrickson E. Hutchings

Absent or not voting were: Representatives

Alexander Bourdeaux Holdaway Lockhart

Ure

H.C.R. 1 transmitted to the Senate for its consideration.

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H.B. 165, UTAH COMMISSION ON AGING, read the third time by short title and placed on its final passage.

H.B. 165, as amended, then passed on the following roll call:

Yeas, 40; Nays, 32; Absent or not voting, 3.

Voting in the affirmative were: Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Bowman	Buxton	D. Clark	S. Clark
Cosgrove	Dee	Duckworth	Dunnigan
Fowlke	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Hunsaker
E. Hutchings	Jones	King	Last
Lawrence	Litvack	Mascaro	McGee
Menlove	Morgan	Moss	Murray
Noel	Painter	Ray	Romero
Shurtliff	Wheatley	Wheeler	Wiley

Voting in the negative were: Representatives

Aagard	Adams	Alexander	Barrus
Bigelow	Buttars	Christensen	D. Cox
Daw	Dayton	Donnelson	Dougall
Ferrin	Ferry	Fisher	Frank
Gibson	Harper	Hughes	B. Johnson
Kiser	Lockhart	Mathis	Morley
Newbold	Oda	G. Snow	Tilton
Walker	Wallace	Wyatt	Curtis

Absent or not voting were: Representatives

Holdaway Ure Urquhart

H.B. 165, as amended, transmitted to the Senate for its consideration.

* * :

H.B. 198, NATUROPATHIC FORMULARY PEER COMMITTEE AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle H.B. 198.

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- **H.B. 168**, COOPERATIVE WILDLIFE MANAGEMENT UNIT AMENDMENTS, read the third time by short title and placed on its final passage.
 - **H.B. 168** then passed on the following roll call:

Yeas, 69; Nays, 1; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Adams	Alexander	S. Allen
Becker	Bigelow	Biskupski
Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove
Daw	Dayton	Dee
Duckworth	Dunnigan	Ferrin
Fisher	Fowlke	Frank
Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue
Hunsaker	E. Hutchings	B. Johnson
King	Kiser	Last
Litvack	Mascaro	Mathis
Menlove	Morgan	Morley
M	37 1 11	
Murray	Newbold	Noel
Painter	Ray	Noel Romero
•		
Painter	Ray	Romero
	Becker Bowman D. Clark Daw Duckworth Fisher Goodfellow Harper Hunsaker King Litvack Menlove	Becker Bigelow Bowman Buttars D. Clark S. Clark Daw Dayton Duckworth Dunnigan Fisher Fowlke Goodfellow Gowans Harper Hendrickson Hunsaker E. Hutchings King Kiser Litvack Mascaro Menlove Morgan

Voting in the negative was: Representative

Dougall

Absent or not voting were: Representatives

Holdaway Lockhart G. Snow Ure

Curtis

H.B. 168 transmitted to the Senate for its consideration.

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Sub. H.B. 182, HISTORICAL LIVESTOCK TRAILS, read the third time by short title and placed on its final passage.

Sub. H.B. 182 then passed on the following roll call:

Yeas, 69; Nays, 1; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Adams Alexander S. Allen Aagard Barrus Becker **Bigelow** Biskupski Bowman Buttars Buxton Christensen D. Clark D Cox S. Clark Cosgrove Daw Dayton Dee Donnelson Duckworth Dunnigan Ferrin Ferry Fisher Fowlke Frank Gibson Gowans Goodfellow Hansen Hardy Hendrickson Hogue Hughes Harper Hunsaker B. Johnson Jones E. Hutchings King Kiser Last Lawrence Lockhart Mascaro Mathis McGee Menlove Morgan Morley Murray Newbold Noel Painter Ray Tilton Romero Shurtliff G. Snow Ure Urauhart Walker Wallace Wheeler Wheatley Wiley Wyatt Curtis

Voting in the negative was: Representative

Dougall

Absent or not voting were: Representatives

Bourdeaux Holdaway Litvack Moss

Oda

Sub. H.B. 182 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Ferrin, the House voted to uncircle H.B. 198.

H.B. 198, NATUROPATHIC FORMULARY PEER COMMITTEE AMENDMENTS, was before the House on its final passage.

Representative Ferrin proposed the following amendment:

- 1. Page 2, Line 45
 - 45 (c) serve without compensation, travel costs, or per diem for their services.
 - (4) The committee and the division may seek input from other licensing boards.

Representative Ferrin's motion to amend passed on a voice vote.

H.B. 198, as amended, then passed on the following roll call:

Yeas, 59; Nays, 1; Absent or not voting, 15.

Voting in the affirmative were: Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
Cosgrove	D. Cox	Daw	Dee
Donnelson	Duckworth	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Harper
Hogue	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Last	Lawrence
Mascaro	Mathis	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

Voting in the negative was: Representative

Dayton

Absent or not voting were: Representatives

Adams	Biskupski	S. Clark	Dougall
Dunnigan	Hardy	Hendrickson	Holdaway
Hughes	Kiser	Litvack	Lockhart
McGee	Oda	Ure	

H.B. 198, as amended, transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.C.R. 4, UTAH ATHLETIC FOUNDATION RESOLUTION, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **H.C.R. 4**.

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Sub. H.B. 40, REPEAL OF SUNSET OF TOWNSHIP PROVISION, read the third time by short title and placed on its final passage.

Sub. H.B. 40, as amended, then passed on the following roll call:

Yeas, 70; Nays, 2; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard Alexander S. Allen Barrus Becker Bigelow Biskupski Bourdeaux Bowman Buttars Buxton Christensen D. Clark S. Clark D. Cox Daw Dayton Dee Donnelson Dougall Duckworth Dunnigan Ferrin Ferry Fisher Fowlke Frank Gibson Goodfellow Gowans Hansen Hardy Hendrickson Hogue Hughes Hunsaker E. Hutchings B. Johnson Jones King Kiser Last Lawrence Litvack Lockhart Mascaro McGee Mathis Menlove Morgan Morley Moss Murray Newbold Noel Painter Ray Romero Shurtliff G. Snow Tilton Ure Urquhart Walker Wallace Wheeler Wheatley Wiley Curtis Wyatt

Voting in the negative were: Representatives

Cosgrove Harper

Absent or not voting were: Representatives Adams Holdaway Oda

Sub. H.B. 40, as amended, transmitted to the Senate for its consideration.

RULES COMMITTEE REPORTS

Mr. Speaker: February 1, 2005

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 97**, State Budget Provisions (Rep. G. Curtis), be replaced with **Substitute H.B. 97**, State Budget Provisions (Rep. G. Curtis)., and further recommends it be assigned to the Business and Labor Standing Committee; and

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 151**, School Community Councils (Rep. J. Dougall), be replaced with **Substitute H.B. 151**, School Community Councils (Rep. J. Dougall)., and further recommends it be assigned to the Education Standing Committee; and

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR

S.B. 4 Uninsured Motorist Property Damage Coverage

Amendments (Sen. D. Eastman)

H.B. 85 Health Insurance High Risk Pool – Eligibility

Amendments (Rep. D. Litvack)

EDUCATION

H.B. 84 Reading Requirements for Student Advancement

(Rep. K. Morgan)

H.B. 135 Implementing Federal Educational Programs

(Rep. M. Dayton)

1st Sub. S.B. 122 Resident Tuition Status for Job Corps Students

(Sen. G. Bell)

GOVERNMENT OPERATIONS

H.B. 99 State Fleet Vehicle Classification (Rep. E. Hutchings)H.B. 154 School and Institutional Trust Lands Amendments (Rep.

E. Hutchings)

LAW ENFORCEMENT AND CRIMINAL JUSTICE

H.B. 42 Medical Recommendations for Children

(Rep. M. Morley)

H.B. 228 Removal or Defacement of Political Signs (Rep. G. Hughes)

NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT

S.C.R. 4 Resolution Approving Utah Recreational Land Exchange (Sen. B. Evans)

PUBLIC UTILITIES AND TECHNOLOGY

H.B. 145 Amendments to Hearing and Speech Impaired

Telecommunications Program (Rep. B. Goodfellow)

H.B. 234 Telephone Surcharge for Education and Training

Programs At Prison (Rep. B. Goodfellow)

WORKFORCE SERVICES AND COMMUNITY & ECONOMIC DEVELOPMENT

S.B. 7 Funding for Tourism (Sen. S. Jenkins)

Rebecca Lockhart, Chair

Reports filed. On motion of Representative Lockhart, the reports of the Rules Committee were adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

AFTERNOON SESSION

The House was called to order by Speaker Curtis at 2:00 p.m.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

February 1, 2005

The Senate passed, as substituted, and amended **1st Sub. S.B. 26**, PUBLIC UTILITIES AMENDMENTS, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 44**, GOVERNMENT RECORDS AMENDMENTS, by Senator C. Walker, and it is transmitted for consideration; and

The Senate passed **S.B. 98**, MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS, by Senator S. Killpack, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 104**, JUDICIARY AMENDMENTS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 108**, TELECOMMUNICATIONS REVISIONS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed **S.B. 116**, ARBITRATION – USE OF SUBPOENA AUTHORIZED, by Senator D. Eastman, and it is transmitted for consideration; and

The Senate passed **S.B. 117**, REPEAL OF UTAH TOMORROW STRATEGIC PLANNING COMMITTEE, by Senator M. Waddoups, and it is transmitted for consideration; and

The Senate passed **S.B. 118**, IDENTITY FRAUD AMENDMENTS, by Senator C. Walker, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 120**, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS, by Senator T. Hatch, and it is transmitted for consideration; and

The Senate passed **S.B. 123**, GOVERNMENTAL IMMUNITY ACT – TECHNICAL AMENDMENTS, by Senator G. Bell, and it is transmitted for consideration: and

The Senate passed **S.J.R. 6**, SPACE EXPLORATION RESOLUTION, by Senator P. Knudson, and it is transmitted for consideration.

Annette B. Moore Secretary of the Senate

Communications filed. Sub. S.B. 26, Sub. S.B. 44, S.B. 98, Sub. S.B. 104, Sub. S.B. 108, S.B. 116, S.B. 117, S.B. 118, S.B. 120, S.B. 123, and S.J.R. 6, read the first time by short title and referred to the Rules Committee.

REPORTS OF STANDING COMMITTEES

Mr. Speaker:

February 1, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 70**, HEALTH DISCOUNT PROGRAM CONSUMER PROTECTION ACT, by Representative J. Dunnigan, with the following amendments:

- 1. Page 6, Lines 166 through 169:
 - 166 For purposes of this chapter:
 - 167 (1) <u>"Fee" means any periodic charge for use of a discount program.</u>
 - (2) "Health care provider" means a health care provider as defined in Section 78–14–3 who:
 - (a) is practicing within the scope of the provider's license; and
 - (b) {-any person that } has agreed either directly or
 - 168 <u>indirectly</u>, by contract or any other arrangement with a health <u>discount program operator</u>, to
 - 169 provide a discount to enrollees of a health discount program. RENUMBER REMAINING SUBSECTIONS
- 2. Page 6, Line 172:
 - 172 <u>access to health care providers who agree to provide a discount for</u> {
 <u>medical</u> } <u>health care</u> <u>services.</u>
- 3. Page 6, Line 182:
 - 182 (d) place your name on and market or promote a health discount program in this state.
 - (4)"Value—added benefit" means a discount offering with no additional charge made by a health insurer or health maintenance organization that is licensed under this title, in connection with existing contracts with the health insurer or health maintenance organization.
- 4. Page 7, Lines 201 through 203:
 - 201 (m) Chapters 28 and 29; and
 - 202 {-(n) Chapter 33, Workers' Compensation Fund; and
 - 203 (o) (n) Chapters 35 through 38.
- 5. Page 10, Line 278:
 - 278 <u>"premium,"</u> {<u>"enrollment,"</u> } <u>and "preferred provider";</u>
- 6. Page 10, Lines 290 through 291:
 - 290 (i) in writing in at least $\{-\frac{12}{2}\}$ $\underline{10}$ -point type $\{-\frac{or}{2}\}$ and no smaller than the largest type on the page $\{-\frac{if}{2}\}$
 - 291 type appears on the page that is larger than 12 point type }; and

- 7. Page 10, Line 294:
 - 294 (A) the program is not a {-comprehensive} health insurance policy;
- 8. Page 10, Line 306 through Page 11, Line 307:
 - 306 (1) (a) Health discount program operators must provide to each purchaser or potential {-enrollee} } purchaser a copy 307 of the terms of the discount program {-prior to} } at the time of purchase.
 - (b) For purposes of this section "purchaser" means the employer in an employer sponsored plan, or an individual purchasing outside of an employer relationship.
- 9. Page 11, Line 310:
 - 310 {-methods for calculating discounts-} , cancellation procedures and corresponding refund requests,
- 10. Page 11, Lines 312 through 313:
 - 312 (3) A contract must be signed by the {-enrollee} } purchaser acknowledging the terms before any fees
 - 313 are collected.
- 11. Page 11, Lines 334 through 335:
 - 334 (b) The commissioner must approve any changes in forms that required approval under
 - 335 Section 31A-8a-203.
 - (3) A health insurer or health maintenance organization licensed under this title shall annually file with the Accident and Health Data Survey, a list of all value added benefits offered at no cost to its enrollees. ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 209**, ADMINISTRATIVE RULES – IMPACT ON SMALL BUSINESSES, by Representative G. Hughes, with the following amendments:

- 1. Page 3, Lines 83 through 84:
 - 83 (18) "Small business" means a business employing fewer than $\{-\frac{100}{100}\}$ 50 persons $\{-\frac{100}{1000}\}$

84 <u>business with less than \$2,000,000 in annual gross receipts</u> } .

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

H.B. 70, as amended, and **H.B. 209**, as amended, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

February 1, 2005

The Education Committee reports a favorable recommendation on **H.B. 188**, BEGINNING TEACHER ENHANCEMENTS, by Representative B. Johnson, et al; and

The Education Committee recommends **H.B. 74**, TUITION REIMBURSEMENT PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION, by Representative R. Menlove, be replaced and reports a favorable recommendation on **2nd Sub. H.B. 74**, TUITION PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION with the following amendments:

- 1. Page 3, Lines 73 through 80:
 - 73 (c) Incentive loans shall be awarded in accordance with prioritized critical areas of need
 - 74 for teaching expertise within the state's public education system as determined by the State
 - 75 Board of Education[-]. { <u>with first priority given to preparing teachers within this state as</u> } including :
 - 76 (a) a special education teacher;
 - 77 {-(b) a school psychologist;
 - 78 (e) (b) a speech or language pathologist; or
 - 79 { <u>(d)</u> } <u>(c)</u> <u>another licensed professional providing</u> <u>services in the public schools to pupils with</u>
 - 80 disabilities.; and

The Education Committee reports a favorable recommendation on **H.J.R. 11**, RESOLUTION ENCOURAGING SCHOOLS TO ADOPT NUTRITION AND

PHYSICAL ACTIVITY POLICIES, by Representative P. Jones, with the following amendments:

- Page 2, Line 54:
 Delete "schools" and insert "school community councils"
- Page 2, Line 55: After "work" delete "with the Legislature"

Margaret Dayton, Chair

Reports filed. On motion of Representative Dayton, the reports of the Education committee were adopted.

H.B. 188, 2nd Sub. H.B. 74, as amended, and **H.J.R. 11**, as amended, read the second time by short title and placed on the calendar for third reading.

* * *

Mr. Speaker:

February 1, 2005

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 214**, EMERGING TECHNOLOGIES AND OPEN GOVERNMENT, by Representative D. Clark.

Sheryl L. Allen, Chair

Report filed. On motion of Representative Allen, the report of the Public Utilities and Technology committee was adopted.

H.B. 214, read the second time by short title and placed on the calendar for third reading.

* * *

Mr. Speaker:

February 1, 2005

The Health and Human Services Committee reports a favorable recommendation on **H.B. 79**, PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, by Representative R. Lockhart, with the following amendments:

- 1. Page 2, Lines 29 through 31:
 - 29 ▶ prohibits the Division of Services for People with Disabilities from disbursing
 - 30 public funds to pay for the services of a direct service worker, unless the direct

- 31 service worker successfully completes a background check <u>or</u>, <u>after submitting the required information for a background check, and before a determination on the background check is made, the direct service worker is directly supervised by a direct service worker who successfully completes a background check ;</u>
- 2. Page 11, Line 322:
 - 322 <u>(i)</u> monitor <u>and sanction</u> approved providers <u>. as specified in</u> the providers' contract ;
- 3. Page 12, Lines 359 through 367:
 - 359 (1) For purposes of this section :
 - (a) "office" is as defined in Section 62A-2-101 $\{-\frac{1}{2}\}$ and
 - (b) "directly supervised" means that the person being supervised is under the uninterrupted visual and auditory surveillance of the person doing the supervising.
 - 360 (2) Subject to Subsection (4), public funds may not be disbursed to pay a direct service
 - 361 <u>worker for personal services rendered to a person, unless</u> :

 (a) the direct service worker is approved
 - 362 by the office to have direct access and provide services to children or vulnerable adults
 - 363 pursuant to Section $62A-2-120 \left\{ \right\}$; or
 - (b) (i) during the time that the direct service worker renders the services described in this Subsection (2), the direct service worker who renders the services is directly supervised by a direct service worker who is approved by the office to have direct access and provide services to children or vulnerable adults pursuant to Section 62A–2–120;
 - <u>(ii)</u> the direct service worker who renders the services described in this Subsection (2) has submitted the information required for a background check pursuant to Section 62A–2–120; and
 - <u>(iii)</u> the office has not determined whether to approve the direct service worker described in Subsection (2)(b)(ii) to have direct access and provide services to children or vulnerable adults.
 - 364 (3) For purposes of Subsection (2), the office shall conduct a background check of a
 - 365 <u>direct service worker:</u>

- 366 (a) . except as provided in Subsection (2)(b), before public funds are disbursed to pay the direct service worker for the personal
- 367 services described in Subsection (2); and; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 22**, INTERCOUNTRY ADOPTION ACCREDITATION, by Representative R. McGee, et al.

Bradley G. Last, Chair

Reports filed. On motion of Representative Ferry, the reports of the Health and Human Services committee were adopted.

H.B. 79, as amended, and **H.B. 22**, read the second time by short title and placed on the calendar for third reading.

MISCELLANEOUS BUSINESS

On motion of Representative Allen, the House voted to reconsider its action on **H.B. 189**.

RECONSIDERATION OF H.B. 189

H.B. 189, APPLIED TECHNOLOGY PROGRAM AMENDMENTS, was before the House upon its reconsideration.

On motion of Representative Ferrin, the House voted to circle **H.B. 189**.

UNFINISHED BUSINESS

On motion of Representative Allen, the House voted to uncircle **H.B. 17.**

H.B. 17, MOTION PICTURE INCENTIVE FUND, was before the House on its final passage.

Representative Fowlke declared a conflict of interest because her husband and sister are in the motion picture industry.

- **H.B. 17** then passed on the following roll call:
- Yeas, 58; Nays, 14; Absent or not voting, 3.

Voting in the affirmative were: Representatives

AagardAdamsAlexanderS. AllenBarrusBeckerBiskupskiBourdeaux

Bowman	Buxton	D. Clark	S. Clark
Cosgrove	D. Cox	Dayton	Dee
Duckworth	Ferrin	Ferry	Fowlke
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Newbold	Noel	Ray
Romero	Shurtliff	G. Snow	Ure
Walker	Wallace	Wheatley	Wheeler
Wiley	Curtis		

Voting in the negative were: Representatives

BigelowButtarsDawDougallDunniganFrankHughesLockhartMorleyOdaPainterTilton

Urquhart Wyatt

Absent or not voting were: Representatives Christensen Donnelson Fisher

H.B. 17 transmitted to the Senate for its consideration.

THIRD READING CALENDAR

H.B. 75, GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE, read the third time by short title and placed on its final passage.

H.B. 75, as amended, then passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen

Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

Absent or not voting were: Representatives Alexander King Tilton

H.B. 75, as amended, transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to adjourn until February 2, 2005, at 10:00 a.m.

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	Read the first time by short title and referred to Rules Committee	
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	Read the third time	39
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	Read the first time by short title and referred to Rules Committee	
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	Read the second time	84
	Placed on calendar	
	Read the third time	10
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	Assigned to standing committee	63
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	Read the first time by short title and referred to Rules Committee	
	Assigned to standing committee	22
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	Read the second time	
	Read the third time	
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	Circled	197
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